



PLANNING COMMISSION

AGENDA REPORT

VI 3.
ITEM NUMBER

MEETING DATE: OCTOBER 23, 2006

SUBJECT: ONE-YEAR TIME EXTENSION FOR VESTING TENTATIVE PARCEL MAP VPM-03-250 AND FINAL MASTER PLAN PA-02-33 FOR PACIFIC ARTS PLAZA AT 3200 BRISTOL STREET, 3180-3210 PARK CENTER DRIVE, AND 601-675 ANTON BOULEVARD

DATE: OCTOBER 11, 2006

**FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
(714) 754-5609**

PROJECT DESCRIPTION

The proposed request is for a time extension for the time period beginning July 12, 2006 through July 12, 2007 for the following applications:


1. *Vesting Tentative Parcel Map VPM-03-250* to subdivide 3 existing parcels at Pacific Arts Plaza into 14 parcels (10 for existing structures, 4 for parking and common areas); and
2. *Final Master Plan PA-02-33* for the construction of a new 18-story office building and five level parking structure.


APPLICANT

Mark Lammas is the authorized agent for Maguire Properties.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


REBECCA ROBBINS
Assistant Planner


CLAIRE L. FLYNN, AICP
Senior Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

Pacific Arts Plaza is an approximately 18-acre site within the South Coast Plaza Town Center. It is generally bound by Anton Boulevard (north), I-405 Freeway (south), Bristol Street (west), and Avenue of the Arts (east). (Vicinity Map, Attachment 1.)

On July 12, 2004, Planning Commission approved a vesting tentative parcel map to subdivide 3 parcels at Pacific Arts Plaza into 14 parcels (10 numbered lots for existing structures, 4 lettered lots for parking and common areas). (Commission Resolution, Attachment 5).

On December 21, 2003, City Council approved a time extension for the final master plan and associated project approvals. (Council Resolutions, Attachments 3 and 4).

On October 21, 2002, City Council approved Final Master Plan PA-02-33 for the construction of a new, 400,000 sq.ft., 18-story office building and five level parking structure (705 parking spaces).

DISCUSSION

Vesting Tentative Parcel Map VPM-03-250

The proposed subdivision of the Pacific Arts Plaza property is for financing/leasing purposes only and will not affect the development or operation of the center. The recorded reciprocal access and parking documents required as a part of the original application will ensure that all parcels function together as a single project. In addition, the subdivision of the property into 14 lots allows individual ownership of each of the buildings.

Pursuant to the Subdivision Map Act requirements and as codified in Section 13-216 of the Zoning Code, the applicant may request a time extension for the vesting map within 24 months from the date of the map approval. While the applicant's request was submitted in two months after this time period, the vesting parcel map has neither been deemed abandoned or revoked. Therefore, the Planning Commission has discretionary authority to approve the extension request.

As provided for by the State Subdivision Map Act, the approval of Vesting Tentative Parcel Map VPM-03-250 confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting map is approved. For instance, If Planning Commission approves the one-year time extension, the code requirements applicable at the time of the original filing in July, 2004, including development standards and fees, will be applicable to the project.

The map is shown as Exhibit "A" of the PC Resolution.

Final Master Plan PA-02-33 for 18-story Office High-rise

Final Master Plan PA-02-33 involves the construction of a new, 400,000 sq.ft., 18-story office building and five level parking structure at Pacific Arts Plaza. This development project also includes an amendment to South Coast Plaza Town Center Preliminary Master Plan PA-00-38 and variance from the Bristol Street setback requirement for the proposed parking structure.

As previously discussed, a time extension was granted for Final Master Plan PA-02-33 through October 21, 2004. In this case, the final master plan is associated with the vesting parcel map. Therefore, the recordation of the final map will vest development rights for the 18-story high-rise building. The vesting tentative parcel map is subject to a development agreement, and therefore may be extended for the period of time provided for in the development agreement, but not beyond the duration of the agreement. In summary, the final master plan for the 18-story high-rise building shall expire within one year of the final map recordation unless the applicant applies for and is granted a one-year extension of time for the final master plan for every year thereafter.

The final master plan is shown as Exhibit "B" of the PC Resolution.

Condition of Approval

For the vesting parcel map and final master plan, staff has included an additional condition of approval (1A) requiring the applicant to obtain a Federal Aviation Administration (FAA) determination of No Hazard for the 18-story office building prior to final map recordation and that determination shall be valid at the time of building permit issuance. Furthermore, the applicant shall also submit the project to the Airport Land Use Commission for review for *informational purposes only* prior to final map recordation.

Justification for Approval of Time Extension Request

Staff supports the request for the time extension for the vesting parcel map and final master plan for the following reasons:

- The previously-approved parcel map is in substantial compliance with the requirements of the Subdivision Map Act, the North Costa Mesa Specific Plan, final Master Plan approval PA-02-33, and Chapter XI (Subdivision) of the Zoning Code.
- The previously-approved master plan for the 18-story high-rise office building has not changed. The proposed project will allow the applicant to proceed with approved development pursuant to Development Agreement DA-00-04 and Final Master Plan PA-02-33. Consequently, the City would realize public benefits in the form of a world-class destination center within a cohesive and pedestrian-friendly mixed-use development. Along with the Performing Arts Center and Concert Hall, the well-designed, 18-story high rise will serve as one of the signature buildings in the City's cultural arts center. Project implementation will contribute to the creation/enhancement of a world-class performing arts district in Costa Mesa.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), CEQA Guidelines, and the City's environmental procedures, a Final Program Environmental Impact Report (EIR No 1047) and project-specific mitigated negative declaration were certified for the proposed office development at Pacific Arts Plaza. Specifically, the proposed development of Pacific Arts Plaza was anticipated and evaluated as part of Final Program Environmental Impact Report (EIR No. 1047), prepared for Preliminary Master Plan PA-00-38. Therefore, the discussion and conclusions reached in the Final Program EIR No. 1047 are still applicable to this project.

The vesting parcel map request is exempt from the provisions of the California Environmental Quality Act, under Class 15, Minor Land Divisions.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve a one-year time extension through July 12, 2007 for the Vesting Tentative Parcel Map VPM-03-250 and Final Master Plan PA-02-33. Staff recommends approval of the applicant's request. This action will apply to the time period from July 12, 2006 through July 12, 2007. This would allow the applicant to proceed with recordation of the final map and the development of the 18-story office high-rise building.
2. Deny the extension request for or the Vesting Tentative Parcel Map VPM-03-250 and Final Master Plan PA-02-33. If this request were denied, the approvals for both the parcel map and final master plan would be expired. Not only will the current legal parcel configuration remain unchanged, the applicant would need to resubmit another Master Plan application for the 18-story high-rise building. Given that Maguire Properties is currently planning to develop this building pursuant to the original entitlement and that no new environmental issues are associated with the project, staff does consider any substantive benefit to reconsider the master plan approval.

CONCLUSION

Staff recommends approval of the time extension for the vesting parcel map and final master plan to be applied from July 12, 2006 to July 12, 2007. Because the request was still made within a reasonable time frame and there is a major entitlement implication related to the time extension, Planning staff supports the time extension request. Approval of the time extension request will allow the following: (a) the applicant will proceed with recordation of the final vesting parcel map and obtain building permits for the proposed 18-story high rise and thereby commence the overall Pacific Arts Plaza Master Plan project; and (b) the applicant will implement development that has been approved pursuant to Development Agreement DA-00-04.

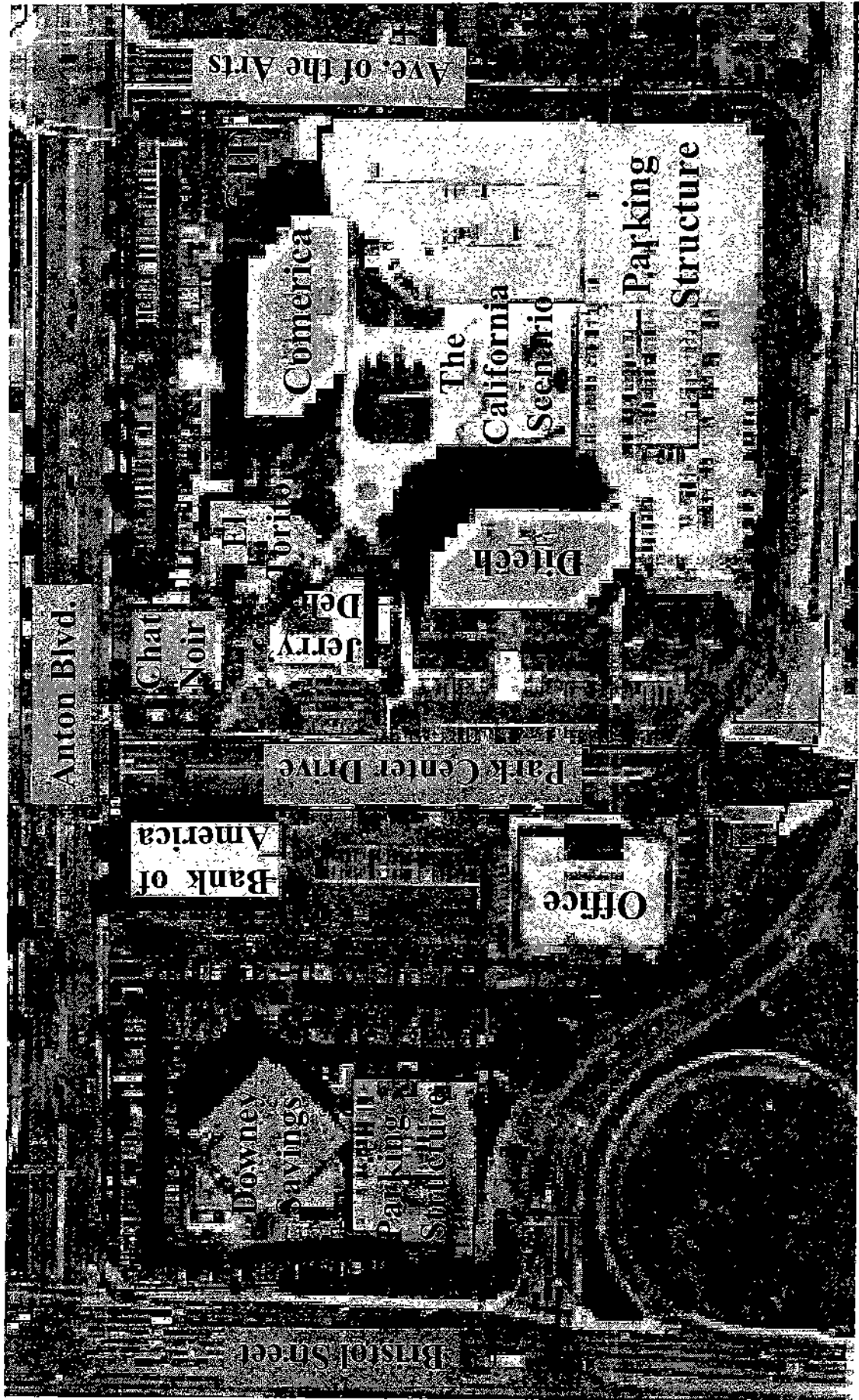
Attachments: 1. Vicinity Map
 2. Draft Planning Commission Resolution
 3. Applicant's Letter
 4. Final Master Plan Council Resolution 03-79 and 02-78
 5. Vesting Parcel Map Commission Resolution No. PC-04-47

Distribution: Deputy City Manager - Dev. Svcs.
 Assistant City Attorney
 Assistant City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

cc: Mark Lammas
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 Santa Ana, CA 90401

 Paul Julian
 Maguire Properties
 333 South Grand Ave, Suite 400
 Los Angeles, CA 90071

Two Town Center – 3201 Park Center Dr.



ATTACHMENT 2

PLANNING COMMISSION RESOLUTION

ATTACHMENT 2

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. PC-06-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA APPROVING A ONE-YEAR
TIME EXTENSION FOR VESTING TENTATIVE PARCEL
MAP VPM-03-250 AND FINAL MASTER PLAN PA-02-33**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Mark Lammas, authorized agent for Maguire Properties, owner of the Pacific Arts Plaza property located at 3200 Bristol Street, 3180-3210 Park Center Drive, and 601-675 Anton Boulevard;

WHEREAS, the applicant requests approval of a one-year time extension to be applied for the time period beginning on July 12, 2006 to July 12, 2007 for the following applications: (1) Vesting Tentative Parcel Map VPM-03-250 for the subdivision of 3 existing parcels into 14 lots (10 for existing structures, 4 for parking and common area) and (2) Final Master Plan PA-02-33 for the construction of a new 18-story office building, five level parking structure, variance from Bristol Street setback requirements, and an amendment to the South Coast Plaza Town Center Preliminary Master Plan;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 23, 2006;

WHEREAS, approval of the time extension will provide sufficient time for recordation of the vesting parcel map as shown in Exhibit "A" and for development of Final Master Plan PA-02-33 as shown in Exhibit "B";

BE IT RESOLVED that the Planning Commission hereby **APPROVES** a one-year time extension for the time period beginning on July 12, 2006 through July 12, 2007 for Vesting Tentative Parcel Map VPM-03-250 and Final Master Plan PA-02-33 with respect to the property described above.

BE IT FURTHER RESOLVED that the following condition of approval is hereby added to Vesting Parcel Map VPM-03-250 and Final Master Plan PA-02-33: Condition of Approval No. 1A -- The applicant shall obtain a Federal Aviation Administration (FAA) determination of No Hazard for the 18-story office building prior to final map recordation and that determination shall be valid at the time of building permit issuance. Furthermore, the applicant shall also submit the project to the Airport Land Use Commission for review for informational purposes only prior to final map recordation.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Reports for Vesting Tentative Parcel Map VPM-03-250 and Master Plan PA-02-33 and upon applicant's compliance with each and all of the conditions and/or mitigation measures as referenced in the Commission Resolution PC-04-47 and Council Resolution Nos. 02-78 and 03-79, respectively. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 23rd day of October, 2006.

Bill Perkins, Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on October 23, 2006, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

**R. Michael Robinson, Secretary, Costa Mesa
Planning Commission**

VESTING TENTATIVE PARCEL MAP NO. 2003-250
IN THE CITY OF COSTA MESA, COUNTY OF ORANGE,
STATE OF CALIFORNIA.

THE UNIVERSITY OF CHICAGO

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המחיר הנמוך ביותר של המוצר הוא 1.5 שקלים, והמחיר הגבוה ביותר הוא 2.5 שקלים. המחיר הממוצע של המוצר הוא 2.0 שקלים.

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COMMERCIAL PARTNERS LLC
101 JAY STREET 12ND FLOOR
LOS ANGELES, CA 90012

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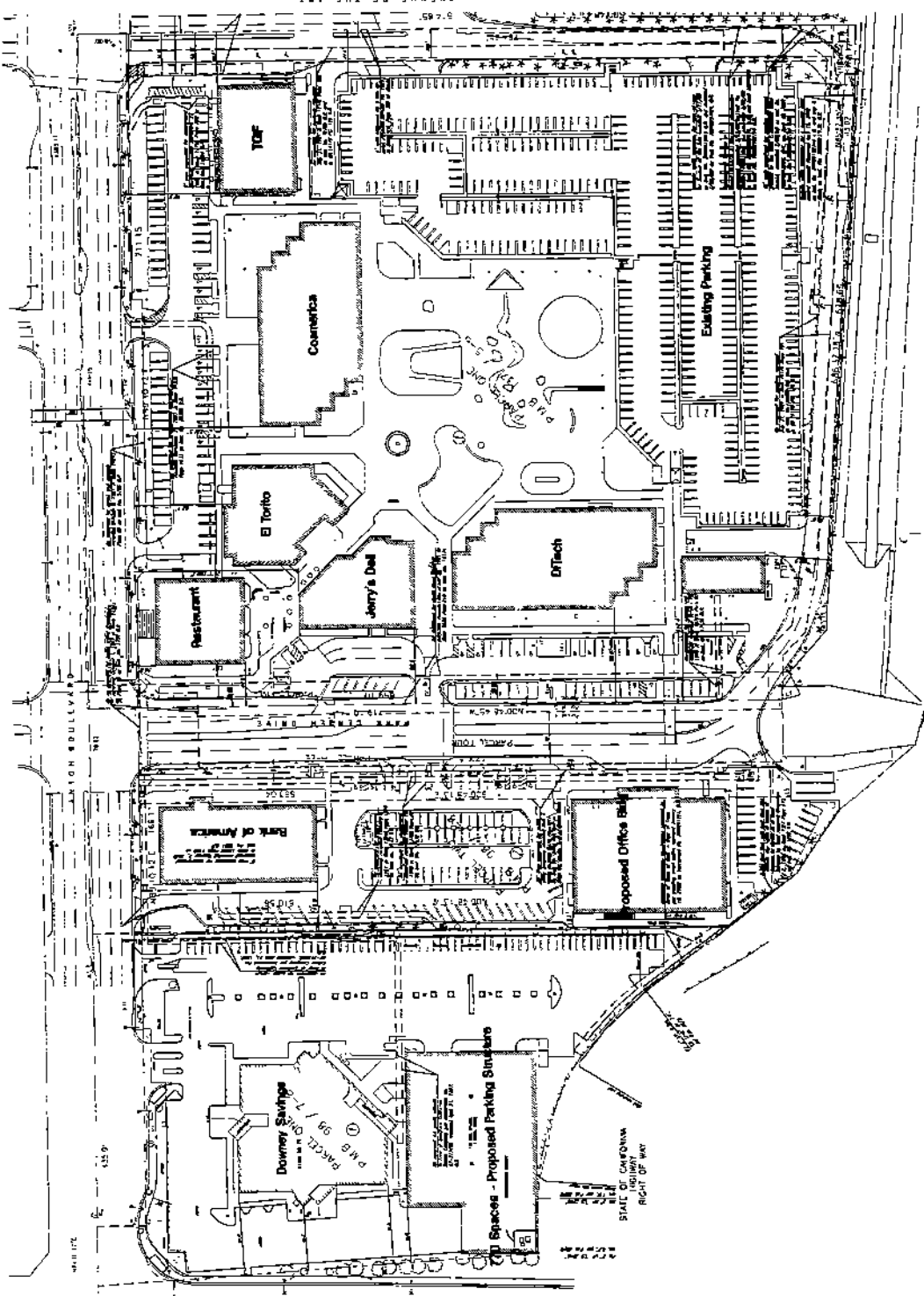
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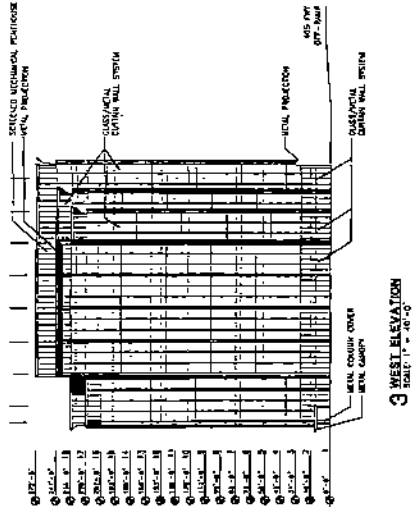
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NO.	DATE	DESCRIPTION
1	02/01/02	EXISTING SITE PLAN

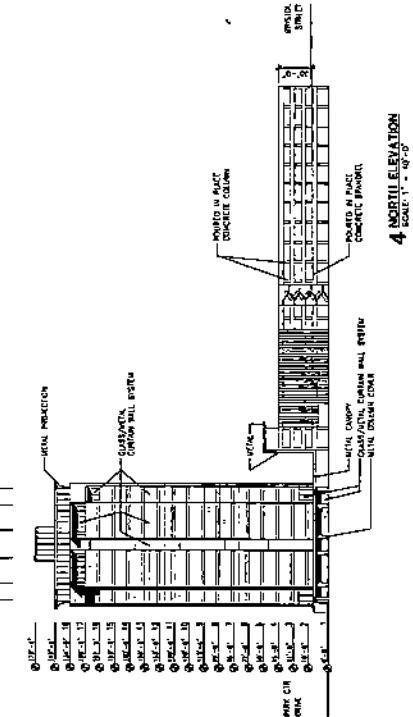
CWP
 CONSULTING ENGINEERS
 433 WEST 17TH STREET, 10TH FLOOR
 ANAHEIM, CALIFORNIA 92801
 PHONE: 714/938-8111
 FAX: 714/938-8111

JOHNSON FAIN
 PARTNERS
 ARCHITECTS - INTERIORS
 100 WEST 17TH STREET, 10TH FLOOR
 ANAHEIM, CALIFORNIA 92801
 PHONE: 714/938-8111
 FAX: 714/938-8111

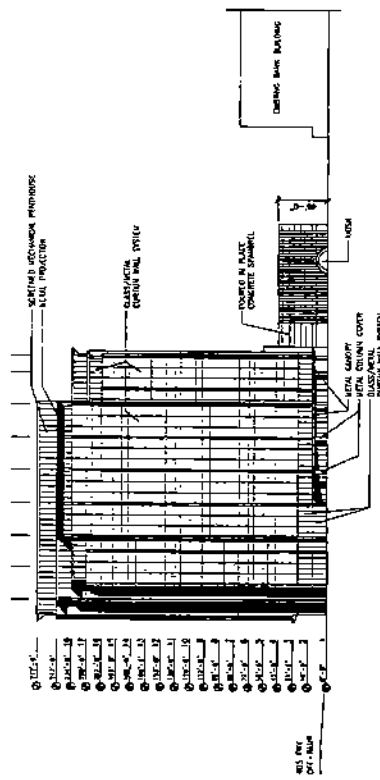
PROJECT NAME	EXTERIOR ELEVATIONS	
DATE	DATE	DATE
PROJECT DESCRIPTION	PROJECT NUMBER	PROJECT NAME
EX-04		



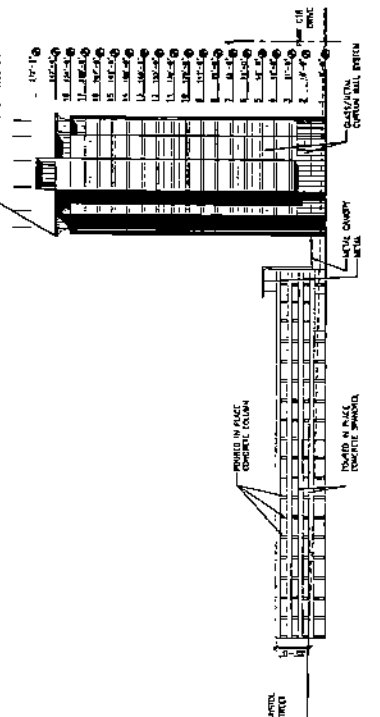
E **WEST ELEVATION**
SCALE: 1" = 40'-0"



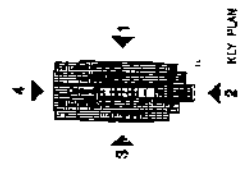
4 NORTH ELEVATION
SCALE: 1" = 40'-0"



1 EAST ELEVATION
SCALE: 1" = 40'-0"



SOUTH ELEVATION
SCALE: 1" = 4'-0"



KLY PLAN

ATTACHMENT 3

APPLICANT'S LETTER

Maguire

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

September 30, 2006

OCT 03 2006

City of Costa Mesa
Planning Commission
77 Fair Drive
P.O. Box 1200
Costa Mesa, CA 92628-1200

Re: **Pacific Arts Plaza/Vesting Parcel Map VPM-03-250 for 3200 Bristol Street/3180-3210
Park Center Drive/601-675 Anton Boulevard/Planning Commission Approval – July
15, 2004**

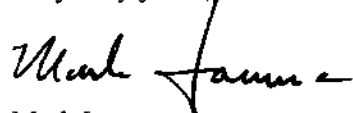
Ladies and Gentlemen:

By this letter, we are respectfully requesting a ten-month extension of the above-referenced VPM-03-250 initially approved by the Planning Commission on July 15, 2004. We request an extension of that map until July 15, 2007.

Enclosed is a check in the amount of \$400.00 to cover the processing costs.

Thank you for your assistance.

Very truly yours,



Mark Lammas
Executive Vice President, Development
Maguire Properties

16

Maguire Properties

1733 Ocean Avenue
Suite 400
Santa Monica, California 90401

310 857 1100 Main
310 857 1198 Fax
www.maguireproperties.com

ATTACHMENT 4

MASTER PLAN PA-02-33
Council Resolution 03-79 and 02-78

RESOLUTION NO. 03-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, GRANTING A ONE-YEAR TIME EXTENSION FOR FINAL MASTER PLAN PA-02-33 AND RELATED APPROVALS FOR TWO TOWN CENTER AT 3201 PARK CENTER DRIVE.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES
AS FOLLOWS:

WHEREAS, a one-year time extension request for Planning Application PA-02-33 was filed by John Krappman of CommonWealth Partners, with respect to the real property located in the Two Town Center subarea at 3201 Park Center Drive of South Coast Plaza Town Center;

WHEREAS, the Two Town Center Final Master Plan (Planning Application PA-02-33) consists of an 18-story, approximately 400,000 square foot building in Tow Town Center and a minimum 705-space, five-level parking structure, and related demolition of existing structures and relocation of surface parking.

WHEREAS, the Two Town Center Final Master Plan (Planning Application PA-02-33) also includes an amendment to South Coast Plaza Town Center (SCPTC) Preliminary Master Plan PA-00-38 and variance from the Bristol Street setback requirement for the proposed parking structure (0' –proposed, 20' –required);

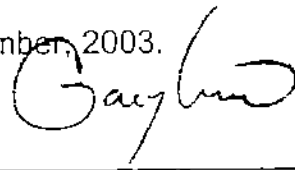
WHEREAS, the Costa Mesa City Council approved Planning Application PA-02-33 and related amendments to the SCPTC Preliminary Master Plan and adopted the mitigated negative declaration by adoption of Resolution No. 02-78; and

WHEREAS, approval of the one-year time extension will provide sufficient time for the master plan project to commence.

BE IT RESOLVED that, based on the evidence in the record the City Council hereby approves a one-year time extension for Planning Application PA-02-33; and

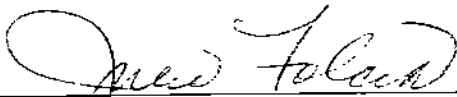
BE IT FURTHER RESOLVED that the City Council does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in Planning Application PA-02-33 and upon applicant's compliance with each and all of the conditions and mitigation measures contained in Resolution PC-02-78.

PASSED AND ADOPTED this 1st day of December, 2003.



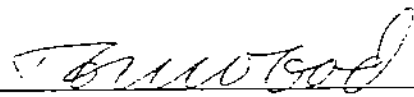
Mayor of the City of Costa Mesa

ATTEST:



Deputy City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:



Acting City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

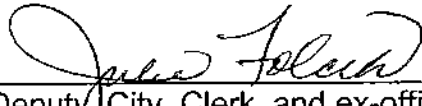
I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. 03-79 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 1st day of December, 2003, by the following roll call vote:

AYES: Monahan, Steel, Cowan, Mansoor, Scheafer

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Costa Mesa this 2nd day of December, 2003.



Deputy City Clerk and ex-officio Clerk of
the City Council of the City of Costa Mesa



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**